

# MUKASEY FRENCHMAN

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**VIA ECF**

The Honorable J. Paul Oetken  
U.S. District Judge  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

**Re: United States v. Costanzo Jr. and Recio, 22-cr-281 (JPO)**

Dear Judge Oetken:

This proposed Order is respectfully submitted on behalf of defendants John Costanzo, Jr. and Manuel Recio with the consent of the parties. Defendant John Costanzo, Jr. has made two Touhy requests to the Drug Enforcement Administration (“DEA”) to inspect documents that are material to the defense. Both Touhy requests were denied because disclosure “would violate the Privacy Act, 5 U.S.C. § 552a(b)(11) (prohibiting federal agencies from producing material from their files concerning any individual without the individual’s written consent or without an ‘order of a court of competent jurisdiction’ authorizing the federal agency to disclose the material”). *See* 28 C.F.R. § 16.26(b)(1). Thus, the parties respectfully request that the Court enter the proposed order.

Respectfully submitted,

/s/ Marc L. Mukasey  
Marc L. Mukasey  
Torrey K. Young  
Stephanie Guaba

cc: All counsel (via ECF)